

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 15, 2006 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #06003

PROPOSAL: Expand a nonstandard single-family dwelling into the required front yard setback.

LOCATION: 5800 Pine Lake Road

CONCLUSION: This application meets the requirements of the Zoning Ordinance and Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 96, an irregular tract located in the SW 1/4 of Section 16, T9N R7E, of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Single-family dwelling R-3 Residential

SURROUNDING LAND USE AND ZONING:

North:	Single-family dwelling	R-3 Residential
South:	Lawn & Garden Nursery	B-3 Commercial
East:	Single-family dwelling	R-3 Residential
West:	Single-family dwelling	R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Urban Residential. (F 25)

Urban Residential: Multi-family and single-family residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. (F 27)

ANALYSIS:

1. This is an application to expand a nonstandard single-family dwelling into the required front yard setback for the purpose of constructing 14' additions onto both ends of the home. The lot has frontage onto South 59th Street and is considered a corner lot. As a result, it has required front yards along both Pine Lake Road and South 59th Street. The property is zoned R-3, and the required front setback is 20'.

2. The nonstandard condition was created when the City purchased a 20' strip of the applicant's lot to be used as right-of-way for the Pine Lake Road improvement project. After the 20' right-of-way acquisition, the residence is setback 14' from Pine Lake Road, and 34.4' from South 59th Street.
3. A nonstandard use is defined by LMC §27.03.460 as a lot or use that existed prior to the effective date of the zoning ordinance or due to a change in the zoning ordinance or district boundaries and no longer complies with the minimum lot requirements for the district in which it is located.
4. The proposed additions are shown in-line with the 14' setback of the existing residence from Pine Lake Road, and the east addition is 20' from South 59th Street.
5. LCM §27.63.540 provides conditions under which this permit may be granted:
 - a. **The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

According to the applicant, the proposed expansion matches the 14' setback of the existing building from Pine Lake Road.

- b. **The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed addition is shown to maintain the required 20' setback from South 59th Street, and does not encroach into any other required setback. The building permit review process will ensure the height requirements are met.

- c. **The use of the building shall remain a single- or two-family dwelling.**

The applicant has indicated this request will allow for an expansion of the home to provide additional living space, and will remain used as a single-family residence. This is also a recommended condition of approval.

6. No City Department has raised an objection to this permit.
7. The lot was annexed after 1949, and the proposed addition to this building is not required to meet the Neighborhood Design Standards.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required front yard setback along Pine Lake Road to allow additions onto both the east and west ends of the home.
2. The expansion shall not extend further into the required front yard along Pine Lake Road than the furthest extension of the existing dwelling.
3. The expansion shall meet the height limit of the zoning district.
4. The use of the main structure shall remain single- or two-family dwelling.

Standard:

5. The following conditions are applicable to all requests:
 - 5.1 Before occupying the addition all development and construction is to comply with the approved plans.
 - 5.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks.
 - 5.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 5.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner

January 31, 2006

Applicant/	Jaser Eddmeiri
Owner/	5800 Pine Lake Road
Contact:	Lincoln, NE 68516
	402.423.4546



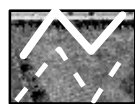
2005 aerial

Special Permit #06003 S 59th St & Pine Lake Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 16 T9N R07E



Zoning Jurisdiction Lines

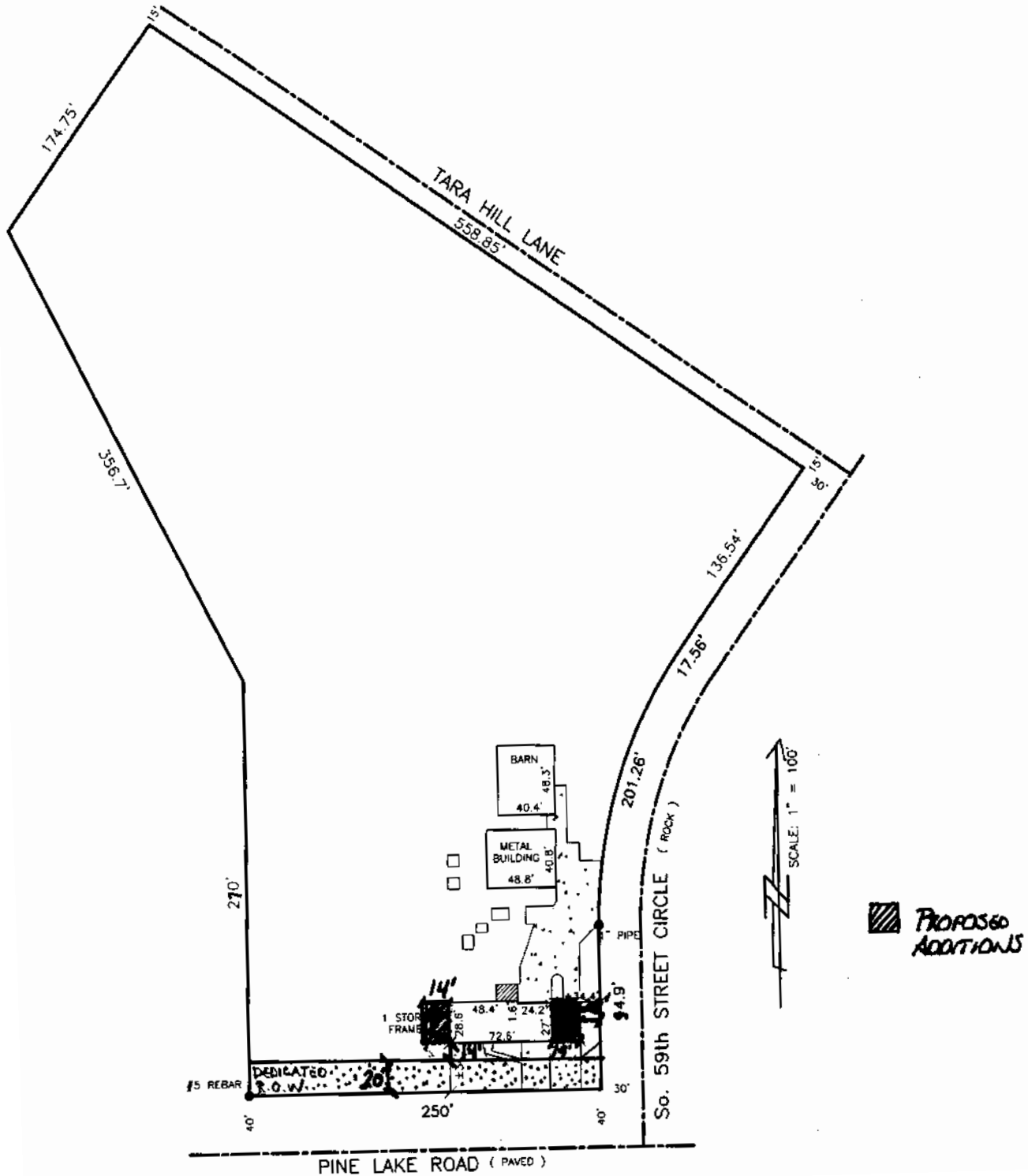
City Limit Jurisdiction

Old Cheney Rd



Pine Lake Rd

Legal
That part of Lot 96 IRKEE Tract
Located in the Southwest quarter
of Section 16, Township 6 North
Range 7 East of the 6th P.M.
Lancaster County, Nebraska



January 9, 2006

RE: Variance for 5800 Pine Lake Rd.


Planning Committee:

We wish to expand our home to give us adequate living space for our family. Three of our children are currently sharing one bedroom. Closet and storage space are also needed. We also would like to provide facilities for an office for our work.

The City acquired the majority of the frontage of our yard to widen Pine Lake Road. This made it necessary to ask for a variance to allow us to add this addition. The variance would allow us to extend the house on its current alignment, and the sew section would be no closer to Pine Lake Road than the current section is after the right of way acquisition for Pine Lake Road.

Thank you for your time and consideration.

Sincerely,



Loretta Eddmeiri
Yaser Eddmeiri